IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 471 OF 2007

Mr. Shashikant Chandrakant Vaidya ..Petitoner
Vs.
1. Mr. Deepak S. Jaisingani
and anr. ..Respondents

Mr. M.J. Pabari and Malgonda for petitioner.
Mr. Y.M. Nakhawa, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : July 18, 2007.

P.C.:

1. There is no dispute that the petitioner came to be convicted for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 by the learned Metropolitan Magistrate, 12th Court, Bandra in Criminal Case No. 202/S/2003 as per the judgment and order dated 23/9/2005. The said order was challenged in Criminal Appeal No. 582 of 2005 and it came to be dismissed on 8/2/2007 by the learned Additional Sessions Judge, Gr. Bombay.

2. The petitioner has a statutory remedy of

filing a Criminal Revision Application under Section 397 of Cr.P.C. and when such a statutory remedy is available, a writ petition under Article 227 of the Constitution need not be entertained as has been held by the Supreme Court in the case of Sadhna Lodh vs. National Insurance Co. Ltd. and anr. **[(2003) 3 SCC 524]**.

3. Hence, the petition is disposed as withdrawn with liberty to file a Criminal Revision Application under Section 397 of Cr.P.C. If such a revision application is filed within a period of two weeks from today, the period of pendency of this petition be taken into consideration for condonation of delay, if any, and the ad-interim stay granted to the warrant issued against the petitioner is continued for a period of two weeks from today.

(B.H. Marlapalle,J.)